ZW AF 2174

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application

Inventor(s)	:	CROSBY et al.
Serial No.	:	09/486,545
Filed	:	09-01-2000
Title	:	SYSTEM AND METHOD FOR SORTING PROGRAM GUIDE INFORMATION
Examiner	:	TRUC T CHUONG
Art Unit	:	2174

AMENDMENT AND RESPONSE

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

APPEAL BRIEF

May It Please The Honorable Board:

This is Appellants' Brief on Appeal from the final rejection of claims 1 – 14, originally due January 19, 2005. Please charge the fee for filing this Brief to Deposit Account No. 07-0832. Appellants waive an Oral Hearing for this appeal.

Please charge any additional fee or credit overpayment to the above-indicated Deposit Account. Enclosed is a single copy of the Brief.

I. REAL PARTY IN INTEREST

The real party in interest of Application Serial No. 09/486,545 is the Assignee of record:

THOMSON LICENSING S.A.
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II. RELATED APPEALS AND INTERFERENCES

There are currently, and have been, no related Appeals or Interferences regarding Application Serial No. 09/486,545 known to the undersigned attorney.

III. STATUS OF THE CLAIMS

Claims 1-14 are rejected and the rejection of claims 1 - 14 are appealed.

IV. STATUS OF AMENDMENTS

All amendments were entered and are reflected in the claims included in Appendix I.

V. SUMMARY OF CLAIMED SUBJECT MATTER

This summary sets forth exemplary reference characters and pages and line numbers in the specification where an embodiment of each separately argued claim is illustrated or described. The identification of reference characters and pages and line numbers does not constitute a representation that any claim element is limited to the embodiment illustrated at the reference character or described in the referenced portion of the specification.

Independent claim 1 claims a system for navigating within a display having one or more display sections (Fig. 1A,10) comprising means for selecting a first section of said display (Fig. 9 and page 5, line 7) means for navigating within said first section of said display (Fig. 9 and page 5, line 7), control means (Fig 3, reference 26 and page 5, line 11) for displaying a navigational symbol (Fig. 1A, references 12 and 13, page 7, lines 8,9) on a border (Fig. 1A, references 15u,15b,15r,15l, page 7, lines 7-9) of said first selected section, said symbol corresponding to a direction in which a highlight (Fig. 1A, reference 3, page 5

lines 20-30) may be moved (Fig. 1A, references 12 and 13, page 7, lines 11-20); and said control means moves said highlight to a second section (Fig. 1A, reference 17, page 7, lines 25-30) of said display in said corresponding direction in response to the steps of highlighting said navigational symbol on said border of said first selected section and selecting said navigational symbol (page 7, lines 25-30).

Independent claim 7 claims a system for navigating within a display having one or more display sections (Fig. 1A, reference 10), comprising, a user control (Fig. 9, page 5, line 7) for selecting a first icon (Fig.1B, reference 4, page 7, lines 1-2) in a selected section of said screen, said user control including a set of directional keys (Figure 9, reference 6,7,8, and 9) for moving to another icon selection (Fig. 9, page 6, lines 8-22), and a controller (Fig 3, reference 26 and page 5, line 11) for determining, in response to an entry of one of said directional keys, whether there is a visible icon in said selected section in the direction corresponding to said entered key and said controller (page 7, lines 21-23), in response to said determination, moves said highlight to said visible icon if said visible icon is present and moves said highlight to a navigational control, if said visible icon is not present (page 9, lines 1-12).

Independent claim 9 claims a method for navigating within a display having one or more display sections (Fig. 1A, reference 10), comprising the steps of: selecting a section of said display (page 6, lines 23-24), displaying, in response to said selection, a navigational symbol on a border of said selected section, said symbol corresponding to a navigable direction of a highlight (page 7, lines 8-10); and moving said highlight in said corresponding direction in response to the steps of highlighting said navigational symbol on said border of said selected section and selecting (page 7, lines 23-27).

Independent claim 13 claims a method for navigating within a display having one or more display sections, comprising (Fig. 1A, reference 10): selecting a first icon in a selected section of said display (page 6, lines 23-24) via a user control (page 6, lines 8-9), said user control including a set of directional keys (Fig. 9, page 6, lines 9-10) for moving to another icon selection (page 6, lines 10-11); and determining, in response to an entry of one of said directional keys, whether there is a visible icon in said selected section in the direction corresponding to said entered key (page 9, lines 5-7); and moving said highlight, in response to said determination, to said visible icon if said visible icon is present and moving said highlight to a navigational control, if said visible icon is not present (page 9, lines 10-12).

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

The Examiner has rejected claims 1-14 as being unpatentable under 35 USC 103(a) over Rowe et al. (U.S. 5,812,123).

The Examiner has rejected claim 4 as being unpatentable under 35 USC 103(a) over Rowe et al. (U.S. 5,812,123) in view of Montalbano (U.S. 5,918,237).

VII. ARGUMENT

Rejection of Claims 1 – 14 under 35 USC 103(a) over Rowe et al. (U.S. 5,812,123).

CLAIMS 1-3

The invention as recited in claim 1 is not rendered obvious by Rowe et al., as proposed by the Examiner, as the proposed combination would not result in all of the limitations of claim 1.

The standard for a *prima facie* case of obviousness is the following:

> To establish a *prima facie* case of obviousness, three basic criteria must be met. First there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. . . . *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).
>
> MPEP §2142 (8th edition, rev. 2, 2004)

In the present case, the Examiner has failed to establish a *prima facie* case of obviousness, as the cited reference fails to teach or suggest all the limitations of claim 1.

The invention of claim 1 recites a system for navigating within a display having one or more display sections comprising a means for selecting a first section of the display, means for navigating within said first section of said display, control means for displaying a navigational symbol on a border of said first section of said display, said symbol corresponding to a direction in which a highlight may be moved, and said control means moves said highlight to a second section of said display in said corresponding direction in response to the steps of highlighting said navigational symbol on said border of said first selected section and selecting said navigational symbol.

Rowe does not teach or remotely suggest a means for **navigating within** said first section of said display, wherein the navigational symbols are displayed on the border of said first section of said display as recited by claim 1. To establish a *prima facie* case of obviousness, "the prior art reference (or references when combined) must teach or suggest all the claim limitations." *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). The examiner has been unable to provide a reference that teaches the limitation of moving a highlight to a second section of said display in said corresponding direction in response to the **steps of highlighting** said navigational symbol on said border of said first selected section **and selecting** said navigational symbol. As these limitations of claim 1 are nowhere found in the cited reference, the rejection is improper.

In the system of claim 1, if a user is navigating within a webpage, for example, that is displayed within a first section of the display, the user can navigate within said webpage using the directional arrows on a remote control, for example. When the user reaches the end of the displayed webpage, the highlight moves to the navigational symbol on the border of said first section of the display. If the user chooses to move the highlight to a second section of the display, another webpage for example, the user must then select the navigational symbol after it has been highlighted using the directional arrows on the remote control. This has the advantageous feature of permitting a user to navigate a first section of the display without fear of unintentionally moving into a second section of the display.

The system taught by Rowe et al., is a traditional on-screen guide format where the selected "focus frame" (Col. 16, line 20) has navigational symbols on its border (Figure 7, reference 67). Rowe describes a control button having navigational keys, prefereably in a rocker configuration, to control the position of the focus frame (Col. 9. lines 1-26). The user pushes the navigational keys on the remote to move the focus frame in the corresponding direction. Nowhere in Rowe is it remotely suggested that the highlight is

moved " to a second section of said display in said corresponding direction in response to the steps of **highlighting said navigational symbol** on said border of said first selected section and **selecting said navigational symbol**" as recited by the present claim 1 (emphasis added).

The examiner asserts in the 4th point of the office action that it would be obvious to modify the program tiles to provide more information, such as links, audio files, images etc. (page 3, lines 7-9). However, to establish a *prima facie* case of obviousness, "the prior art reference (or references when combined) must teach or suggest all the claim limitations." *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). The examiner has been unable to provide a reference that teaches the limitation of "means for navigating within said first section of said display" as recited by claim 1. Furthermore, if Rowe were to include more information within its focus frame, the user would be unable to navigate within the focus frame to view the additional information since Rowe teaches that pushing the navigational controls on the remote control moves the focus frame to the adjacent section of the display. (Col. 9. lines 1-26) Thus, Rowe would suffer from the very problem addressed by the present invention.

For at least the foregoing reasons, claim 1 is allowable over the prior art of record. Claims 2 and 3 depends from claim 1, and it is submitted that they are allowable for at least the reasons that claim 1 is allowable.

CLAIM 5

In addition to the reasons discussed above in connection with claim 1, claim 5 is not rendered obvious by Rowe et al., as proposed by the Examiner.

Rowe does not teach or remotely suggest a system "wherein the control means moves said highlight in said corresponding direction to another icon **in said selected section** if another icon exists in said selected section in said corresponding direction" as

recited by claim 5 (emphasis added). Rowe teaches a system where the user is unable to navigate within the selected section and any command from the remote control changes the selected section. (Col. 9. lines 1-26) Therefore, the user is it impossible in the system taught by Rowe for the control means to move said highlight in to another icon within the selected section. As these limitations of claim 5 are nowhere found in the Rowe, it is submitted that claim 5 is allowable over the prior art of record.

CLAIM 6

In addition to the reasons discussed above in connection with claim 1 and 2, claim 6 is not rendered obvious by Rowe et al., as proposed by the Examiner.

Rowe does not teach or remotely suggest a system "wherein the control means moves said highlight in said corresponding direction to another icon **in said selected section** if another icon exists in said selected section in said corresponding direction" as recited by claim 6 (emphasis added). Rowe teaches a system where the user is unable to navigate within the selected section and any command from the remote control changes the selected section. (Col. 9. lines 1-26) Therefore, the user is it impossible in the system taught by Rowe for the control means to move said highlight in to another icon within the selected section. As these limitations of claim 6 are nowhere found in the Rowe, it is submitted that claim 6 is allowable over the prior art of record.

CLAIMS 7-8

Claim 7 is an independent system claim that claims a system for navigating within a display having one or more display sections comprising a user control for selecting a first icon in a selected section of said screen, said user control including a set of directional keys for moving to another icon selection; and a controller for determining, in response to an entry of one of said directional keys, whether there is a visible icon in said selected section in the direction corresponding to said entered key; and said controller, in response

to said determination, moves said highlight to said visible icon if said visible icon is present and moves said highlight to a navigational control, if said visible icon is not present.

The Examiner has not, in any Official Action, noted any specific portion of Rowe that teaches the limitations of claim 7. Rowe does not, as noted above, teach any system for moving a highlight to a visible icon if one exists or alternatively moving the highlight to a navigational control if the visible icon does not exist. Rowe discloses only navigational icons on the border of a selected display section which indicate neighboring display sections that could be selected by selecting an arrow key on the remote control. The navigational icons in Rowe cannot be highlighted or selected as in the system recited by claim 7.

For at least the foregoing reasons, claim 7 is allowable over the prior art of record. Claim 8 is depend from claim 7, and is allowable for at least the reasons that claim 7 is allowable.

CLAIMS 9-10

Claim 9 is an independent method claim that claims a method for navigating within a display having one or more display sections, comprising the steps of: selecting a section of said display; displaying, in response to said selection, a navigational symbol on a border of said selected section, said symbol corresponding to a navigable direction of a highlight; and moving said highlight in said corresponding direction in response to the steps of highlighting said navigational symbol on said border of said selected section and selecting said navigational symbol.

The Examiner has not, in any Official Action, noted any specific portion of Rowe that teaches the limitations of claim 9. Rowe does not, as noted above, teach any method for navigating within a display having one or more display sections in response to the steps

of highlighting a navigational symbol and selecting said navigational symbol. Rowe discloses only navigational icons on the border of a selected display section which indicate neighboring display sections that could be selected by selecting an arrow key on the remote control. The navigational icons in Rowe cannot be highlighted or selected as in the method recited by claim 9.

For at least the foregoing reasons, claim 9 is allowable over the prior art of record. Claim 10 is depend from claim 9, and is allowable for at least the reasons that claim 9 is allowable.

CLAIM 11

In addition to the reasons discussed above in connection with claim 9, claim 11 is not rendered obvious by Rowe et al., as proposed by the Examiner.

Rowe does not teach or remotely suggest a method of navigating within a display having one or more display sections "wherein said moving step comprises moving said highlight in said corresponding direction to another icon **in said selected section** if another icon exists in said selected section in said corresponding direction" as recited by claim 11(emphasis added). Rowe teaches a system where the user is unable to navigate within the selected section and any command from the remote control changes the selected section. (Col. 9. lines 1-26) Therefore, the user is it impossible in the system taught by Rowe for the control means to move said highlight in to another icon within the selected section. As these limitations of claim 11 are nowhere found in the Rowe, it is submitted that claim 11 is allowable over the prior art of record.

CLAIM 12

In addition to the reasons discussed above in connection with claim 9, claim 12 is not rendered obvious by Rowe et al., as proposed by the Examiner.

Rowe does not teach or remotely suggest a method of navigating within a display having one or more display sections "wherein said moving step comprises moving said highlight in said corresponding direction to another icon **in said selected section** if another icon exists in said selected section in said corresponding direction" as recited by claim 12 (emphasis added). Rowe teaches a system where the user is unable to navigate within the selected section and any command from the remote control changes the selected section. (Col. 9. lines 1-26) Therefore, the user is it impossible in the system taught by Rowe for the control means to move said highlight in to another icon within the selected section. As these limitations of claim 12 are nowhere found in the Rowe, it is submitted that claim 12 is allowable over the prior art of record.

CLAIMS 13-14

Claim 13 is an independent method claim that claims a method for navigating within a display having one or more display sections, comprising: selecting a first icon in a selected section of said display via a user control, said user control including a set of directional keys for moving to another icon selection; and determining, in response to an entry of one of said directional keys, whether there is a visible icon in said selected section in the direction corresponding to said entered key; and moving said highlight, in response to said determination, to said visible icon if said visible icon is present and moving said highlight to a navigational control, if said visible icon is not present

The Examiner has not, in any Official Action, noted any specific portion of Rowe that teaches the limitations of claim 13. Rowe does not, as noted above, teach any method for navigating within a display having one or more display sections by determining whether there is a visible icon within the selected display section in the direction corresponding to a entered key on a user control and moving a highlight to said visible icon is said visible icon is present and moving said highlight to a navigational control if said visible icon is not

present. As described above, Rowe does not teach navigating within the selected display section or highlighting a navigational symbol or moving between icons within the selected display section.

For at least the foregoing reasons, claim 13 is allowable over the prior art of record. Claim 14 is depend from claim 13, and is allowable for at least the reasons that claim 13 is allowable.

Rejection of Claim 4 under 35 USC 103(a) over Rowe et al. (U.S. 5,812,123) in view of Montalbano (U.S. 5,918,237).

CLAIM 4

In addition to the reasons discussed above in connection with claim 1, claim 4 is not rendered obvious by Rowe et al., alone, or in view of Montalbano (U.S. Patent No. 5,918,237) as proposed by the Examiner.

The combination of Rowe and Montalbano do not teach or remotely suggest a means for **navigating within** said first section of said display, wherein the navigational symbols are displayed on the border of said first section of said display as recited by claim 1. Furthermore, the combination of Rowe and Montalbano do not teach or suggest moving said highlight to a second section of said display in said corresponding direction in response to the **steps of highlighting** said navigational symbol on said border of said first selected section **and selecting** said navigational symbol. As these limitations of claim 1 are nowhere found in the cited reference, the rejection is improper.

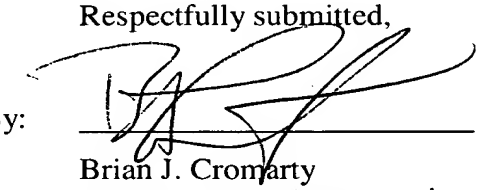
It is submitted that Montalbano et al., teaches a system for providing multimedia bookmarks. The section sighted by the examiner in the 5th point of the office action discusses and shows a series of images used as hyperlinks. Montalbano does not teach or suggest that sections of the display represent different webpages as asserted by the examiner. These images are hyperlinks that, if selected, would load a webpage associated

with the link (Col. 4, lines 1-10). Furthermore, Montalbano does not teach or remotely suggest a means for **navigating within** said first section of said display, wherein the navigational symbols are displayed on the border of said first section of said display as recited by claim 1. Montalbano does not teach or suggest moving said highlight to a second section of said display in said corresponding direction in response to the **steps of highlighting** said navigational symbol on said border of said first selected section **and selecting** said navigational symbol. As these limitations of claim 1 are nowhere found in the either Rowe or Montalbano, it is submitted that claim 4 is allowable over the prior art of record. Claims 2 and 3 depends from claim 1, and it is submitted that they are allowable for at least the reasons that claim 1 is allowable.

VIII CONCLUSION (not required - optional)

Neither of the cited references, or the combination thereof, teaches all of the limitations of the independent claims. The cited references, either alone or in combination, do not teach the exemplary limitations of either (1) for navigating within a selected section of said display; or (2) selecting a second display section in response to the steps of highlighting a navigational symbol on the border of a first display section and selecting said navigational symbol; or (3) determining whether there is a visible icon within the selected display section in the direction corresponding to a entered key on a user control and moving a highlight to said visible icon is said visible icon is present and moving said highlight to a navigational control if said visible icon is not present.. Accordingly it is respectfully submitted that the rejection of Claims 1– 14 should be reversed.

Respectfully submitted,

By: 

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APPENDIX I - APPEALED CLAIMS

1. A system for navigating within a display having one or more display sections, comprising:

means for selecting a first section of said display;

means for navigating within said first section of said display;

control means for displaying a navigational symbol on a border of said first selected section, said symbol corresponding to a direction in which a highlight may be moved; and

said control means moves said highlight to a second section of said display in said corresponding direction in response to the steps of highlighting said navigational symbol on said border of said first selected section and selecting said navigational symbol.

2. The system of claim 1 wherein said symbol indicates availability of an adjacent section in said corresponding direction.

3. The system of claim 1 wherein said different sections of the display represent different frames.

4. The system of claim 1 wherein said different sections of the display represent different web pages.

5. The system of claim 1 wherein said control means moves said highlight in said corresponding direction to another icon in said selected section if another icon exists in said selected section in said corresponding direction.

6. The system of claim 2 wherein said control means moves said highlight in said corresponding direction to another icon in said adjacent section if no other icon exists in said selected section in said corresponding direction.

7. A system for navigating within a display having one or more display sections, comprising:

a user control for selecting a first icon in a selected section of said screen, said user control including a set of directional keys for moving to another icon selection; and

a controller for determining, in response to an entry of one of said directional keys, whether there is a visible icon in said selected section in the direction corresponding to said entered key; and

said controller, in response to said determination, moves said highlight to said visible icon if said visible icon is present and moves said highlight to a navigational control, if said visible icon is not present.

8. The system of claim 7 wherein said controller causes said navigational control to be displayed, if an adjacent section is available in a direction indicated by said navigational control.

9. A method for navigating within a display having one or more display sections, comprising the steps of:

selecting a section of said display;

displaying, in response to said selection, a navigational symbol on a border of said selected section, said symbol corresponding to a navigable direction of a highlight; and

moving said highlight in said corresponding direction in response to the steps of highlighting said navigational symbol on said border of said selected section and selecting said navigational symbol.

10. The method of claim 9 wherein said symbol indicates an availability of an adjacent section in said corresponding direction.

11. The method of claim 9 wherein said moving step further comprising moving said highlight in said corresponding direction to another icon in said selected section if another icon exists in said selected section in said corresponding direction.

12. The method of claim 10 wherein said moving step further comprising moving said highlight in said corresponding direction to another icon in said adjacent section if no other icon exists in said selected section in said corresponding direction.

13. A method for navigating within a display having one or more display sections, comprising:

selecting a first icon in a selected section of said display via a user control, said user control including a set of directional keys for moving to another icon selection; and

determining, in response to an entry of one of said directional keys, whether there is a visible icon in said selected section in the direction corresponding to said entered key; and

moving said highlight, in response to said determination, to said visible icon if said visible icon is present and moving said highlight to a navigational control, if said visible icon is not present

14. The method of claim 13 wherein said navigational control is only displayed, if an adjacent section is available in a direction indicated by said navigational control.

APPENDIX II - TABLE OF CASES

In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

APPENDIX III - LIST OF REFERENCES

U.S. Pat. No.	Issued Date	102(e) Date	Inventors
5,812,123	9/22/1998	12/13/1996	Rowe, et al.
5,918,237	6/29/1999	9/30/1996	Montalbano, et al.